

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT KIDD,

Plaintiff,

v.

WILLIAM J. POLLARD,

Defendant.

ORDER

14-cv-808-jdp

Plaintiff Robert Kidd, a prisoner in the custody of the Wisconsin Department of Corrections at the Waupun Correctional Institution (WCI), brings claims about being improperly treated for mental and physical health problems. But as I have detailed in my previous orders, it was unclear whether plaintiff wanted to continue with this case, and whether he wished to remain in the same lawsuit as his co-plaintiff Terrance Grissom. In a June 27, 2016, order, I dismissed Grissom from the case and directed plaintiff to explain whether he would like to continue with this lawsuit, or have the case dismissed and have his filing fee payments returned to him. *See* Dkt. 39.

Plaintiff has filed three responses to the June 27 order, Dkt. 40, 41, and 46. The first two are confusing. In his first response, plaintiff says that he wants to continue with the lawsuit. In the second, plaintiff says that he would be willing to dismiss the lawsuit if “[his] records will be wiped clean on the days [he] spent in (Seg) after falsely being accused” and having “days added . . . [to his] false imprisonment.” Dkt. 41, at 1. I do not take this to be a serious request to dismiss the lawsuit; rather, I take this to mean that plaintiff would be willing to settle it if the state is willing to expunge his disciplinary records.

But in his third and most recent response, plaintiff says that he would like to “receive a payment from [the court], to[] close & dismiss my lawsuit.” Dkt. 46, at 1. He also asks that the court arrange for his funds not to be commandeered by prison officials, presumably to pay off other debts plaintiff has incurred.

Accordingly, I will dismiss this case without prejudice, and direct the clerk of court to return the funds plaintiff has submitted to this court as part of his filing fee. According to court records, that total is \$63.86. But I cannot control whether those funds may be used by state officials to pay off other debts, or whether state officials will place those funds into his release account or regular account. That is a matter of state law that he should take up with prison officials.

Because I am dismissing this case without prejudice, plaintiff is free to file a new lawsuit if he changes his mind about pursuing claims for his treatment.

ORDER

IT IS ORDERED that:

1. This case is DISMISSED without prejudice. The clerk of court is directed to enter judgment for defendant and close the case.
2. The clerk of court is directed to return the funds that plaintiff has paid toward the filing fee for this case.

Entered August 17, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge